

**MINUTES OF THE CONFERENCE CALL MEETING**  
**Board of Mental Health Practice**  
January 8, 2021

**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:03 a.m. at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level B, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 1.4.2021.

The following members answered roll call:

**Members Present (9):**

Laurie Andrews, Member  
Dale Battleson, Chair (in LL-B)  
Batter, Sara, Member  
Cassandra Dittmer, Member  
David Hof, Vice Chair  
Mychelle Martinez, Member  
Susan Meyerle, Member (9:08 entered call)  
Susan Reay, Member  
Sarita Ruma, Member

**Members Absent (1):**

L. Janeen Gill, Secretary

**Others Present:**

Mindy Lester, Assistant Attorney General (in LL-B)  
Kris Chiles, Program Manager, Licensure Unit (in LL-B)  
Anna Harrison, Compliance Monitor, Licensure Unit  
Mark Meyerson, Investigations  
Carla Cue, Investigations

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Ruma moved, seconded by Hoff, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Dittmer, Hof, Martinez, Reay, Ruma (8). Voting nay: None (0). Absent: Meyerle (1). Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES (8.28.2020, 9.18.2020, 11.6.2020)**

**MOTION:** Hoff moved, seconded by Dittmer, to approve the minutes of 8.28.20. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Dittmer, Hof, Martinez, Reay, Ruma (8). Voting nay: None (0). Absent: Meyerle, Gill (2). Abstain: None (0). Motion carried.

**MOTION:** Hoff moved, seconded by Dittmer, to approve the minutes of 9.18.20. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Dittmer, Hof, Martinez, Reay, Ruma (8). Voting nay: None (0). Absent: Meyerle, Gill (2). Abstain: None (0). Motion carried.

**MOTION:** Hoff moved, seconded by Reay, to approve the minutes of 11.6.20. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Dittmer, Hof, Martinez, Reay, Ruma (8). Voting nay: None (0). Absent: Meyerle, Gill (2). Abstain: None (0). Motion carried.

9:08 a.m.        Meyerle entered call

#### **4. REGULATION DISCUSSION:**

Status of 172 NAC 94 (To AG Office 8.11.2020)

Reay reported that she and Hoff are working with educators and Beacon to discuss options for the regulation roll-out to notify licensees, schools, and others, of the changes in regulations when approved. We want to encourage academic programs to start talking to students about it, possibly even incorporating the material into their class work now and to assure schools are teaching and training students to the new regulations. Perhaps members of the Board could provide presentations to schools, or Battleson reported that he has an idea for developing a video. It was suggested that members of the regulation roll-out advisory committee (Battleson, Dittmer, and Reay) report back with ideas.

#### **5. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION**

**MOTION:** Ruma moved, seconded by Batter, to enter into closed session at 9:17 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Battleson repeated the motion purpose. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (9). Voting nay: None (0). Absent: Gill (1). Abstain: None (0). Motion carried.

10:09 a.m. Reay and Ruma exited the call  
10:29 a.m. Reay and Ruma entered the call  
10:34 a.m. Cue and Meyerson exited the call  
10:34 a.m. Break  
10:43 a.m. Resume meeting, Andrews, Batter, Martinez absent  
10:45 a.m. Martinez entered the call  
10:48 a.m. Batter entered the call  
  
11:21 a.m. Board member agreed to enter Open Session

#### **6. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT**

- **Applications, Mail Ballot Summary Report and Reinstatements**

##### **Reinstatement Application:**

Kohll, Pamela - Mental Health Practitioner

**MOTION:** Reay moved, seconded by Ruma, to recommend approval of the application. A roll call vote was taken. Voting aye: Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (8). Voting nay: None (0). Absent: Anderson, Gill (2). Abstain: None (0). Motion carried.

##### **Initial Application Reviews (Convictions)**

Carr, Kathy – 2<sup>nd</sup> Provisional Mental Health Practitioner

**MOTION:** Batter moved, seconded by Reay, to defer the recommendation and request further information. A roll call vote was taken. Voting aye: Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (8). Voting nay: None (0). Absent: Anderson, Gill (2). Abstain: None (0). Motion carried.

Luna, Marina – Independent Mental Health Practitioner, Certified Master Social Worker

**MOTION:** Meyerle moved, seconded by Hoff, to defer the recommendation and request further information from Iowa, if received and acceptable, recommend approval of the application. A roll call vote was taken. Voting aye: Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (8). Voting nay: None (0). Absent: Anderson, Gill (2). Abstain: None (0). Motion carried.

Mason, Eric - Independent Mental Health Practitioner, Certified Master Social Worker

**MOTION:** Reay moved, seconded by Martinez, to recommend approval of the application. A roll call vote was taken. Voting aye: Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (8). Voting nay: None (0). Absent: Anderson, Gill (2). Abstain: None (0). Motion carried.

**Mail Ballot Report Out:**

No mail ballots to report.

**7. UPDATES AND REPORTS**

- a. 2021 Legislation (Art Therapy, other) <https://nebraskalegislature.gov/>

Reay provided an overview of the proposed Art Therapy bill, which would authorize certification as an art therapist, similar to the other certificates for marriage and family therapy, professional counseling, and social work. Several issues were voiced based on the draft bill Reay received and was forwarded to the board:

- It's not clear if the art therapists are wanting to add a certification as an art therapist or seeking to add a new license?
- Section 6 indicates that a person can have the new credential as an art therapist (either certification or license, not sure which) and can graduate with a degree from an accredited program, does this mean someone who graduates from a CACREP program or CSWE program or another program and could get the credential?
- This section also indicates that it is a "license by the board of independent practice of art therapy". Are they seeking a new board?
- Section 9 and 10-is unclear relating to the scope for art therapists and the line drawn between what other disciplines do (social work, counseling etc.) and what art therapists do. Is this limiting the scope for other mental health disciplines? For example, if I do a "creative process" in the assessment of a child for anxiety-say, making a picture, creating a piece of art, coloring, using paints, do I need to be licensed by the board of mental health practice/or art therapy and be certified as an art therapist? Or can I do it with my LMHP? Line 25-26.
- Section 12 states that a person needs to complete the art therapy curriculum requirements, where are those defined?
- We already have a procedure in place to address concerns through a complaint process.
- Other therapy modalities such as music therapists and applied behavior analysts are seeking or discussing seeking title protection or a specific state-recognized credential. If we add additional credentialing and title protection, we need a thoughtful process of how that will happen while keeping public protection at the forefront.

Reay was informed that the Nebraska Chapter of NASW, intends to oppose the bill.  
Reay will keep the Board informed on the bill status

COVID 19: Executive Orders, Renewals, Directed Health [Measures](https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx)  
<https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

- c. Association and Committee Updates:
- AASCB <http://www.aascb.org>
  - AMFTRB <http://www.amftrb.org>
  - ASWB <http://www.aswb.org>
  - Justice Behavioral Health Committee

No updates were provided.

- d. Credentialing Review: Music Therapy <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Martinez will keep the Board informed of the 407 status.

- e. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed

No statistics were provided for the period of 1.1.2021 to 1.8.2021; will be reported at the next meeting of the Board.

## **8. ANNUAL BUSINESS**

- a. Elections and Appointments (officers, investigative consultant, and education reviewers)

- Reay nominated Battleson as Chair; Hoff seconded the nomination. There were no other nominations.
- Reay nominated Hoff as Vice-Chair. There were no other nominations.
- Reay nominated Gill as Secretary. There were no other nominations.
- Dittmer volunteered to continue as investigative consultant.
- Reay volunteered to continue as education reviewer.

- b. Approval of Method of Noticing Meeting Agendas

**MOTION:** Ruma moved, seconded by Meyerle, to approve the method of noticing meetings as the same used during 2020 (post agenda on the Licensure Unit's website and lobby bulletin board, and forward to any requesters). A roll call vote was taken. Voting aye: Battleson, Batter, Dittmer, Hof, Martinez, Meyerle Reay, Ruma (8). Voting nay: None (0). Absent: Anderson, Gill (2). Abstain: None (0). Motion carried.

- c. Per Diem Payments (Neb. Rev. Stat. §38-171)

### **38-171. Board; advisory committee or body; compensation; limitation; expenses.**

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

The Board approved the following per diem payments:

- \$50 For 1 day of preparation for each meeting (investigations/applications).
- \$50 Attending the Board meeting (in person or by conference call).
- \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting).
- \$50 Each day the member is representing the board at a national meeting of state licensing boards.
- \$50 Regulation Hearing or other board related meetings when representing the Board (prior board approval required).

## **9. ADJOURNMENT**

Battleson declared the meeting adjourned at 12:20 p.m.